THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1822 of 2004

Dated: 03.08.2007

Between:

Sk.Darga Meerabi.

..... PETITIONER

AND

The District Collector, Guntur, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1822 of 2004

ORDER:

The petitioner is resident of Perecherla Village, Medikondur Mandal, Guntur District. Aggrieved by the alleged action of second respondent, namely, the Mandal Revenue Officer, in seizing the property of the petitioner bearing house No.9-6 situated at said Village under a Panchanama dated 29.01.2004, she filed instant writ petition.

The case of the petitioner is that Ponnekanti Hanumayamma was the owner of the house bearing No.9-6 constructed on the land admeasuring 153 sq. yards. After death of Hanumayamma, her daughter – Dodleti Annapurna succeeded to the property. After death of the daughter, one Manchineni Nageshwar Rao was in possession claiming the same under a Will. After his death, his wife and three children succeeded to the property. Smt.Rama Tulasamma sold a part of said land to the petitioner under a registered sale deed dated 23.05.2002. One Shaik Darga Maqbool filed a suit, being O.S.No.753 of 1997 on the file of the Court of III Additional Junior Civil Judge, Guntur, against the vendors of the petitioner for injunction. Said suit was dismissed. Thereafter Maqbool prevailed upon the revenue officials alleging that the land in possession of the petitioner is Panchayat land. The petitioner alleges that Maqbool and others are trying to grab her land. Though second respondent is aware that the house originally owned by Dodleti Annapurna, he seized the same under the cover of Panchanama illegally.

This Court, while admitting the writ petition on 30.01.2004, passed interim order in W.P.M.P.No.2375 of 2004 directing the respondents to remove the seal and lock put on the northern side door of the petitioner's house and to allow her to enjoy the property. The respondents have now moved this Court by filing W.V.M.P.No.779 of 2005 for vacating the interim order. As short question is involved, the writ petition itself is heard finally and is being disposed of at the interlocutory stage.

Second respondent opposed the writ petition contending that the land was originally assigned to Mancheneni Ramatulisamma, who sold the same to the petitioner in contravention of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. It is also alleged that the petitioner encroached upon the land belonging to P.Anjaneyulu, third respondent herein (impleaded subsequently). Therefore, a notice was issued to the petitioner for eviction, in response to which the husband of the petitioner submitted explanation. The matter is pending. Even while due process of law is initiated and is on, the writ petition is filed.

Though the application for vacating the interim order was filed before this Court on 21.03.2005 duly serving a copy thereof on the learned counsel for the petitioner, the petitioner has not filed any reply-affidavit denying the counter averments. Therefore, it stands proved that the petitioner purchased the assigned land in contravention of the Act and also encroached upon the land belonging to third respondent and that second respondent has rightly initiated the action for resumption of the assigned land and eviction of the petitioner from the encroached land. Therefore, the contention of the learned counsel for the petitioner that without due process the property was seized is frivolous. A writ petition filed making frivolous allegations cannot be entertained.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

03rd August, 2007
ghn